

STATE OF TENNESSEE

OFFICE OF THE
ATTORNEY GENERAL
PO BOX 20207
NASHVILLE, TENNESSEE 37202

June 10, 2002

Opinion No. 02-073

Reward for Voting

QUESTION

Assume a private club plans to have a drawing December 1, 2002. Eligible participants would include all members in good standing whose dues payments are up to date. Three names would be drawn and a valuable prize awarded to the members whose names are drawn and who, according to public records voted in the November 2002 election. Would this activity, by offering a reward to members who voted in the November 2002 election, violate any Tennessee law?

OPINION

This activity appears to violate Tenn. Code Ann. § 2-19-126(1).

ANALYSIS

This opinion addresses the legality of the following activity. Assume a private club plans to have a drawing December 1, 2002. Eligible participants would include all members in good standing whose dues payments are up to date. Three names would be drawn and a valuable prize awarded to the members whose names are drawn and who, according to public records, voted in the November 2002 election.

This activity offers a chance to win a valuable prize to an individual who, among other requirements, has voted in the November 2002 election. This activity appears to violate Tenn. Code Ann. § 2-19-126(1). That statute provides:

It is unlawful for any person, *directly or indirectly, personally or through any other person to:*

(1) *Pay, loan, contribute, or offer or promise to pay, loan or contribute any money, property, or other valuable thing, to or for any voter, or to or for any other person, to induce such voter or any voter to vote or refrain from voting in any political convention, primary or final election of any kind or character, or to induce such*

voter or voters to vote or refrain from voting at any such convention, primary or final election for or against any particular person or measure, ***or on account of*** any voter having voted for or against any particular person or measure, or ***having gone to or remained away from the polls at any*** such convention, ***primary or final election***;

Under the Tennessee Code, unless the context otherwise requires, the term “person” includes a corporation, firm, company or association. Tenn. Code Ann. § 1-3-105(17). A violation of Tenn. Code Ann. § 2-19-126 is a Class C felony. Tenn. Code Ann. § 2-19-128. We think a court would conclude that the contest, by offering an opportunity to win a valuable prize, while not a direct payment, still represents an offer of something of value as an inducement to vote in violation of this statute. Moreover, we think a court would conclude that the prize awarded to the ultimate winner of the contest is a payment to that person “on account of . . . [his or her] having gone to . . . the polls,” also in violation of the statute.

PAUL G. SUMMERS
Attorney General and Reporter

MICHAEL E. MOORE
Solicitor General

ANN LOUISE VIX
Senior Counsel

Requested by:

Honorable Mike Turner
State Representative
202 War Memorial Building
Nashville, TN 37243-0151